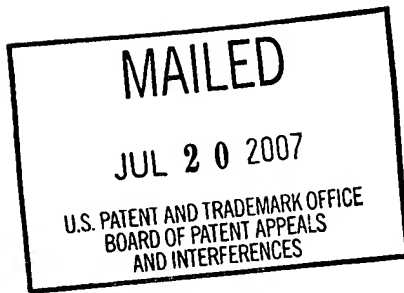


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte JAN WEBER

Application 10/084,857
Technology Center 3700

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This Image File Wrapper (IFW) application was electronically received at the Board of Patent Appeals and Interferences on July 9, 2007. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

The Examiner's Answer mailed June 15, 2006, contains a new ground of rejection, the proper authoritative signature has not been provided in accordance with the *Manual of Patent Examining Procedure (MPEP)* § 1207.03 wherein the Technology Center Director's signature must be present. Also, the Examiner fails to include claims 42, 44-46 and 48-49¹ in the 35 U.S.C. § 103(a) statement of the rejection in the "Grounds of Rejection" section of the Answer (see Answer 4), but responds to Appellants arguments regarding these claims (see Answer 7-8). Clarification on the written record is required.

¹ The Final Rejection, mailed November 23, 2005, fails to list these claims in the 35 U.S.C. § 103(a) rejection (Final Office Action 3).


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Further review has revealed that the Office action dated October 17, 2006 is improper. The Office action is technically considered a Supplemental Examiner's Answer in response to the Reply Brief filed July 10, 2006. Also, the Group Director's signature is missing. *See MPEP* § 1207.05. Correction is required.

Accordingly, it is *ORDERED* that the application is returned to the Examiner:

- 1) to vacate the defective Examiner's Answer mailed June 15, 2006;
- 2) to issue a corrected Examiner's Answer which contains the Group Director's signature as required by *MPEP* § 1207.03;
- 3) to clarify the status of omitted claims 42, 44-46 and 48-49 in the "Grounds of Rejection" section of the corrected Examiner's Answer;
- 4) to vacate the office action mailed October 17, 2006;
- 5) to issue a corrected Supplemental Examiner's Answer in place of the Office Action of October 17, 2006 properly labeled as such, and obtain the Group Director's signature; and
- 6) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
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